United Nations A/HRC/37/NGO/16

General Assembly

Distr.: General
2 February 2018

English only

Human Rights Council
Thirty-seventh session
26 February-23 March 2018
Agenda item 4
Human rights situations that require the Council's attention

Written statement* submitted by Coordination des associations et des particuliers pour la liberté de conscience, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[28 January 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.18-01574(E)
1801574

Please recycle

Religious refugees (Church of Almighty God) from China denied asylum in Europe

1. The case we would like to submit to you concerns the members of a religious organization known as The Church of Almighty God (CAG). CAG is a new religious movement founded in China in 1991.

2. Credited by Chinese official sources with a membership of some four million (see the document reproduced at https://www.adhrrf.org/china-ma-xingrui-20140709.html), CAG has been banned and persecuted in China since at least 1995 (see http://www.china21.org/docs/CONFI-MPS-CHINESE.htm, mentioning a previous document dated 1995).

3. The Chinese government later started accusing CAG of various crimes, including the murder of a woman in a McDonald's diner in Zhaoyuan in 2014. Unfortunately, some Western media repeated this accusation, although scholarly studies have debunked it as an egregious example of fake news spread to discredit CAG. In fact, the group responsible for the murder used the name "Almighty God," but was not part of CAG and had different religious beliefs (see Massimo Introvigne, "'Cruel Killing, Brutal Killing, Kill the Beast': Investigating the 2014 McDonald's 'Cult Murder' in Zhaoyuan," *The Journal of CESNUR* 1 (2017):61-73, available at http://cesnur.net/wp-content/uploads/2017/09/tjoc_1_1_6_introvigne_ter.pdf; Massimo Introvigne and David Bromley, "The Lü Yingchun/Zhang Fan Group," *World Religions and Spirituality Project*, Virginia Commonwealth University, October 16, 2017, available at https://wrldrels.org/2017/10/16/lu-yingchun-zhang-fan-group/). Other rumors against CAG have also been debunked as fake news by studies authored by reputable academic scholars (see e.g. study by Professor Holly Folk at http://cesnur.net/wp-content/uploads/2017/12/tjoc_1_2_5_folk.pdf).

4. The Criminal Code of China, article 300, makes a crime of being active in a *xie jiao*, an expression sometimes translated as "evil cult," although it dates back to the Ming period and identifies "heterodox teachings," or teachings not approved by the government. An English translation of the Chinese Criminal Code has been published by the Permanent Mission of the People's Republic of China to the United Nations and Other International Organizations in Vienna (see http://www.fmprc.gov.cn/ce/cgvienna/eng/dbtyw/jdwt/crimelaw/t209043.htm). Article 300, in that translation, reads as follows: "Whoever organizes and utilizes superstitious sects (*xie jiao*), secret societies, and evil religious organizations or sabotages the implementation of the state's laws and executive regulations by utilizing superstition is to be sentenced to not less than three years and not more than seven years of fixed-term imprisonment; when circumstances are particularly serious, to not less than seven years of fixed-term imprisonment." "Utilizes" means in fact "is active in," and this is the consistent interpretation of the provision by Chinese courts (see e.g. https://web.archive.org/web/20130402233641/http://www.chinanews.com/fz/2013/04-02/4699177.shtml). The mention of "particularly serious circumstances" allows much harsher penalties to be imposed.

5. In practice, in China, the groups regarded as *xie jiao* are those included in lists of religious "illegal organizations" published since 1995 and periodically updated. CAG has consistently appeared in these lists (see, again, http://www.china21.org/docs/CONFI-MPS-CHINESE.htm, and, for a scholarly treatment, http://www.cesnur.org/2016/daejin_irons_list.pdf).

6. Based on its internal statistics, CAG believes that 380,380 members have been arrested in China during the short span from 2011 to 2013 (see http://www.cesnur.org/2017/almighty_china_report.pdf). They have documented 36,572 such cases (see https://www.godfootsteps.org/proofs/). The respected NGO Freedom House reported that 80% of those persecuted in China for belonging to "heterodox religions" between 2014 and 2016 were members of CAG.

7. CAG has also denounced several cases where its members died in custody in highly suspicious circumstances or were tortured (http://www.cesnur.org/2017/almighty_china_report.pdf). We regard these testimonies as believable and, at any rate, the number of cases mentioned warrant at least a serious independent investigation. The persecution of CAG in China is unprecedented in scope and virulence, and one of the worst violation of religious liberty today internationally. In addition, there are countries such as the Republic of Korea where almost all asylum requests of CAG members are denied under various pretexts, and others such as Italy and France where the majority of requests are denied.

8.The 2004 UNHCR *Guidelines on International Protection: Religion-Based Refugee Claims* explicitly affirms that states cannot require evidence that the asylum seeker has been individually persecuted. It is enough to prove that the individual has a "well-founded fear of persecution." It should be abundantly clear that a member of CAG in China has a

very well-founded fear of persecution, for the mere fact of being a member of CAG. If detected as such, every member of CAG faces arrests and imprisonment.

9. Some national refugee boards have objected that the fact that CAG members were able to avoid capture for several years by moving from one city or village to another is evidence that they were not persecuted. We disagree. As mentioned earlier, CAG has several million members in China and, just as other persecuted religions, has built strong networks of believers capable of operating underground and hiding those brothers and sisters who have already been identified as CAG members by the authorities. But having to move constantly, without a home and in constant fear of being captured constitutes precisely the "fear of persecution" mentioned by the international conventions.

10. We also read that in some cases asylum seekers were accused of not knowing enough their religion, and their very identity as CAG members was cast in doubt. Paragraph 30 of the 2004 UNHCR *Guidelines* states that: "Individuals may be persecuted on the basis of their religion even though they have little or no substantive knowledge of its tenets or practices. A lack of knowledge may be explained by further research into the particular practices of that religion in the area in question or by an understanding of the subjective and personal aspects of the claimant's case." In some cases, we also have the impression that asylum seekers did not conform to the tenets of the religion as depicted "in the sources." The "sources" mentioned, however, are not CAG's normative sacred texts, nor are they part of the scholarly literature. The immigration authorities often mention media articles, which simply translate or repeat Chinese governmental sources, and old reports from the Immigration and Refugee Board of Canada that, although they are not UNHCR documents, are available on the UNHCR data base. The Canadian Board did a considerable homework, but the reports are dated 2014 and 2014, and at that time only journalistic sources or Chinese governmental sources were available.

11. Asylum seekers were accused of not knowing their religion because they did not mention the name of the woman CAG identifies as the incarnate Almighty God, nor did they explain the role of the Man Used by the Holy Spirit, or Priest, of the movement, Mr. Zhao Weishan. This objection is based on a misunderstanding about the theology of CAG, which teaches that any attention to the physical person of Almighty God would distract from the only item that is crucial for salvation, the written Word. It is part of the theology and spirituality of CAG members not to discuss the person who is the incarnate Almighty God nor to mention her by name. CAG also tries to avoid any personality cult about its administrative leader, Mr. Zhao Weishan. Scholars have noticed that he is simply referred to as "the Brother" when his instructions and sermons are discussed by devotees.

12. We are well aware that Chinese authorities and their supporters object against granting refugee status to CAG members by arguing that CAG is not a religion but a *xie jiao* or "cult" accused of common crimes. There is, however, no accepted scientific distinction between religions and "cults," and "cult" too often is only a convenient label used to discriminate against religions another religious group or a government does not approve of. As part of the "cult" accusations, the refugee boards in some countries found it unbelievable that some asylum seekers were first converted by and then protected by members of their family, because they read in the "sources" that CAG is "against the family." But scholars have concluded that these are just stereotypical accusations against groups labeled as "cults" and, like most other religions, conversions in CAG happen, and networks are built, among family lines. No religion would be able to gain million members in the short spam of twenty years without operating along pre-existing family networks. As for the accusations of criminal activities, as mentioned earlier, accusations against CAG are believed by leading international scholars of new religious movements to be fake news propagated to justify the persecution (see above). Applicants for refugee status, at any rate, re not accused of having personally participated in any crime. Even if they were accused of common crimes (and they are not), as members of a group persecuted as a *xie jiao*, they could not expect a fair trial in China.

13. In similar cases in Canada applications have been accepted for more than 100 asylum seekers, and this notwithstanding the report mentioned above.

14. For these reasons, we respectfully call the attention on both the seriousness of persecution of CAG in China and the humanitarian problems created by these countries, including the Republic of Korea, which persistently refuse to recognize refugee status to CAG members escaping from persecution in China, or worse threaten to send them back to China, where they face arrest and detention, or worse.